



General Assembly

January Session, 2007

Committee Bill No. 661

LCO No. 4403

04403SB00661PH_

Referred to Committee on Public Health

Introduced by:
(PH)

**AN ACT PROHIBITING THE SALE OF CIGARETTES TO PERSONS
UNDER TWENTY-ONE YEARS OF AGE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-286a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Each distributor and each dealer, as defined in section 12-285,
4 shall place and maintain in legible condition at each point of sale of
5 cigarettes to consumers, including the front of each vending machine,
6 and each restricted cigarette vending machine a notice which states (1)
7 that the sale, giving or delivering of tobacco products, including
8 cigarettes, to any person under [eighteen] twenty-one years of age is
9 prohibited by section 53-344, as amended by this act, (2) the purchase
10 or misrepresentation of age by a person under [eighteen] twenty-one
11 years of age to purchase cigarettes or tobacco products is prohibited by
12 said section 53-344, and (3) the penalties and fines for violating said
13 section 53-344 and section 12-295a.

14 (b) Any person who violates subsection (a) of this section shall be
15 fined not more than one hundred dollars.

16 Sec. 2. Subsection (a) of section 12-295 of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2007*):

19 (a) The commissioner may suspend or revoke the license of any
20 dealer or distributor for failure to comply with any provision of this
21 chapter or regulations related [thereto] to any provision of this chapter
22 or for the sale or delivery of tobacco in any form to a [minor] person
23 under [eighteen] twenty-one years of age, following a hearing with
24 respect to which notice, in writing, specifying the time and place of
25 such hearing and requiring such dealer or distributor to show cause
26 why such license should not be revoked, is mailed or delivered to such
27 dealer or distributor not less than ten days preceding the date of such
28 hearing. Such notice may be served personally or by registered or
29 certified mail.

30 Sec. 3. Section 12-315a of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2007*):

32 The Commissioner of Revenue Services shall prepare a report on
33 enforcement efforts undertaken pursuant to sections 12-286a, 12-289a,
34 12-295a and 12-314. Such report shall include the number of
35 unannounced inspections conducted by said commissioner, a
36 summary of enforcement actions taken pursuant to said sections and
37 an assessment of the progress made in the previous fiscal year in
38 reducing the availability of tobacco products to minors. Said
39 commissioner shall transmit such report on or before January 1, 1998,
40 and annually thereafter, to the joint standing committee of the General
41 Assembly having cognizance of matters relating to public health, to the
42 select committee of the General Assembly having cognizance of
43 matters relating to children and to the state agency designated by the
44 Governor as being responsible for reducing the rate at which tobacco
45 products are being sold to persons under [eighteen] twenty-one years
46 of age.

47 Sec. 4. Subsection (b) of section 53-344 of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective*
49 *October 1, 2007*):

50 (b) Any person who sells, gives or delivers to any [minor] person
51 under [eighteen] twenty-one years of age tobacco, unless the minor is
52 delivering or accepting delivery in such person's capacity as an
53 employee, in any form shall be fined not more than two hundred
54 dollars for the first offense, not more than three hundred fifty dollars
55 for a second offense within an eighteen-month period and not more
56 than five hundred dollars for each subsequent offense within an
57 eighteen-month period.

58 Sec. 5. Subsection (c) of section 53-344 of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective*
60 *October 1, 2007*):

61 (c) Any person under [eighteen] twenty-one years of age who
62 purchases or misrepresents such person's age to purchase tobacco in
63 any form shall be fined not more than fifty dollars for the first offense
64 and not less than fifty dollars or more than one hundred dollars for
65 each subsequent offense.

66 Sec. 6. Subdivision (2) of subsection (f) of section 53-344 of the
67 general statutes is repealed and the following is substituted in lieu
68 thereof (*Effective October 1, 2007*):

69 (2) In determining whether a seller or seller's agent or employee has
70 proven the affirmative defense provided by subdivision (1) of this
71 section, the trier of fact in such prosecution shall consider that
72 reasonable reliance upon the identification presented and the
73 completed transaction scan may require a seller or seller's agent or
74 employee to exercise reasonable diligence and that the use of a
75 transaction scan device does not excuse a seller or seller's agent or
76 employee from exercising such reasonable diligence to determine the
77 following: (A) Whether a person to whom the seller or seller's agent or

78 employee sells, gives away or otherwise distributes tobacco is
 79 [eighteen] twenty-one years of age or older; and (B) whether the
 80 description and picture appearing on the driver's license or identity
 81 card presented by a cardholder is that of the cardholder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	12-286a
Sec. 2	<i>October 1, 2007</i>	12-295(a)
Sec. 3	<i>October 1, 2007</i>	12-315a
Sec. 4	<i>October 1, 2007</i>	53-344(b)
Sec. 5	<i>October 1, 2007</i>	53-344(c)
Sec. 6	<i>October 1, 2007</i>	53-344(f)(2)

Statement of Purpose:

To revise the laws of Connecticut related to public health in accordance with the winner's essay for the Who Wants To Change The World Contest.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. FINCH, 22nd Dist.; SEN. LEBEAU, 3rd Dist.
 SEN. RORABACK, 30th Dist.; SEN. PRAGUE, 19th Dist.
 SEN. MCDONALD, 27th Dist.; REP. WILLIAMS, 68th Dist.

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